

**ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:12 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

(Thursday, May 12, 1977)

S.B.	110	S.B.	382
S.B.	198	S.B.	469
S.B.	213	S.B.	563
S.B.	265	S.B.	583
S.B.	288	S.B.	598
S.B.	290	S.B.	719
S.B.	301	S.B.	843
S.B.	302	S.B.	868

**SIXTY-SEVENTH DAY**

(Friday, May 13, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Adams, Lombardino, Parker, Snelson.

A quorum was announced present.

The Reverend James A. Glasscock, First Presbyterian Church, Garland, Texas, offered the invocation as follows:

Eternal God, this day may be as any other. As Your gift we thank You. May each of us use the day well. Enable the Senate to act wisely, to be mindful of the consequences of its action and to be content with a task begun and completed. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Adams was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

Senator Lombardino was granted leave of absence for today on account of important business on motion of Senator Traeger.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Ogg.

Senator Snelson was granted leave of absence for today on account of important business on motion of Senator Sherman.

**REPORTS OF STANDING COMMITTEES**

Senator Moore submitted the following report for the Committee on State Affairs:

**S.B. 1325**  
**S.B. 1174**  
**H.B. 1773** (Amended)  
**S.B. 1265**  
**H.B. 1772**  
**H.B. 1178**  
**S.J.R. 58**  
**S.B. 1206**  
**H.B. 1660**  
**C.S.H.B. 117** (Read first time)

Senator Harris, Acting Chairman, submitted the following report for the Committee on Human Resources:

**S.B. 1317** (Amended)

Senator Doggett, Acting Chairman, submitted the following report for the Committee on Human Resources:

**H.B. 2059**

Senator Mauzy submitted the following report for the Committee on Education:

**H.B. 248**  
**H.B. 1685**

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

**C.S.S.B. 1320** (Read first time)  
**S.B. 739**  
**H.B. 53**  
**H.B. 679**  
**H.B. 1840**  
**H.B. 565**

## MESSAGE FROM THE HOUSE

House Chamber  
May 13, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1469**, Relating to supplemental appropriations to Texas Woman's University, The University of Texas System, and the University of Houston.

**H.B. No. 1875**, Relating to the declaration of a basic policy concerning the right to life; regulating the conduct of certain abortifacient policies, practices, and acts and conduct regarding human fetuses; making certain findings; prescribing certain criminal penalties and civil sanctions;.....

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 168 by a non record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1124 by a non record vote.

**H.B. No. 1755**, Relating to educational opportunities and assistance in obtaining employment for persons receiving certain public assistance.

**S.J.R. No. 55**, Proposing an amendment to Article III, Constitution of the State of Texas, to provide that the Legislature may permit political subdivisions to develop employment opportunities.

**S.B. 184**, A bill to be entitled An Act relating to fees to be collected by county clerks and clerks of county courts for certain services and to specifications for certain legal papers to be filed and recorded, with additional fees for filing nonconforming legal papers; amending Article 3930, Revised Civil Statutes of Texas, 1925, as amended, and Articles 3930a-1 and 3930(b), Revised Civil Statutes of Texas, 1925; amending Title 61, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 3930(c). (With amendments)

**S.B. 679**, Making supplemental appropriations to the Texas Department of Corrections.

**S.B. 700**, Relating to legal rights of mentally retarded persons; admission and commitment to mental retardation services; transfer and discharge of clients, procedures, and appeals; establishing public responsibility committees; providing for confidentiality of records; providing for responsibility of the Texas Department of Mental Health and Mental Retardation and cooperation with other agencies; providing for rulemaking authority; providing for fees for services and support and maintenance of residents and the obligations of certain persons therefor, including liens upon certain property; providing penalties and remedies; providing for indemnity and representation of employees in suits under certain circumstances; providing effective dates; repealing Chapter 119, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3871b, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

**S.C.R. No. 4**, To memorialize the Congress of the United States to oppose repeal of Section 14(b) of the Taft-Hartley Act of 1947.

**H.C.R. 117**, Granting Platoro Limited, Inc., permission to sue the state.

**H.C.R. 24**, Relating to naming a committee to appoint and designate a citizen of Texas to be poet laureate of the State of Texas.

**H.C.R. 90**, Granting permission to James L. Thomas to sue the state.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

### **BILLS AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

**S.J.R. 13**

**S.B. 154**

**S.B. 155**

**S.B. 156**

**S.B. 159**

**S.B. 336** (Signed subject to provisions of Sec. 49a, Article III of the Constitution of the State of Texas)

**S.B. 219** (Signed subject to provisions of Sec. 49a, Article III of the Constitution of the State of Texas)

### **SENATE BILL 869 REREFERRED**

On motion of Senator Andujar and by unanimous consent, **S.B. 869** was withdrawn from the Committee on Human Resources and rereferred to the Committee on State Affairs.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1793**

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas  
May 12, 1977

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1793** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY  
PARKER  
JONES OF HARRIS  
On the part of the Senate

GRANT  
CAIN  
EZZELL  
RUDD  
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **SENATE BILL 205 WITH HOUSE AMENDMENT**

Senator Longoria called **S.B. 205** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### **Committee Amendment No. 1**

Amend S.B. No. 205 by striking the existing Section 2 and substituting therefor a new Section 2 to read as follows:

"Sec. 2. Subsection (a) of Section 9.403, Business and Commerce Code, as amended, is amended to read as follows:

"(a) Presentation for filing of a financing statement or other statement and tender of the filing fee or acceptance of the financing statement or other statement by the filing officer constitutes filing under this chapter."

The amendment was read.

Senator Longoria moved to concur in the House amendment.

The motion prevailed.

#### **CONFERENCE COMMITTEE ON SENATE BILL 37 DISCHARGED**

On motion of Senator Moore and by unanimous consent, the Senate Conference Committee on Senate Bill 37 was discharged.

Senator Moore moved to concur in the House amendment to **S.B. 37**.

The motion prevailed.

#### **SENATE JOINT RESOLUTION WITH HOUSE AMENDMENT**

Senator Ogg called **S.J.R. 3** from the President's table for consideration of the House amendment to the bill.

The President laid the resolution and the House amendment before the Senate.

## Amendment No. 1

Amend **S.J.R. No. 3** by deleting the term "1978" on line 11, page 2 and substituting therefore the term "1977".

The amendment was read.

Senator Ogg moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban.

Absent-excused: Adams, Lombardino, Parker, Snelson.

**SENATE BILL 52 WITH HOUSE AMENDMENTS**

Senator Harris called **S.B. 52** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

## Floor Amendment No. 1

Amend **S.B. 52**, page 1, line 12, by striking the word "and" substituting a "comma" therefor, and inserting after the word "convicted" the following:

"and appeals that conviction"

## Floor Amendment No. 2

Amend **S.B. 52**, page 2, line 6, by inserting after the word "custody", the following:

"if there then exists good cause to believe that the defendant would not appear when his conviction became final or is likely to commit another offense while on bail"

The amendments were read.

Senator Harris moved to concur in House amendments.

Senator Santiesteban made the substitute motion that the Senate not concur in House amendments and that a Conference Committee be appointed.

The substitute motion was lost by the following vote: Yeas 11, Nays 16.

Yeas: Aikin, Brooks, Clower, Doggett, Farabee, Jones of Harris, Longoria, Mauzy, Santiesteban, Schwartz, Truan.

Nays: Andujar, Braecklein, Creighton, Hance, Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Patman, Sherman, Traeger, Williams.

Absent-excused: Adams, Lombardino, Parker, Snelson.

The motion to concur in the House amendments prevailed.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 8 ADOPTED**

Senator Traeger called from the President's table the Conference Committee Report on **H.B. 8**. (The Conference Committee Report having been filed with the Senate and read on Thursday, May 12, 1977.)

On motion of Senator Traeger, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 0.

Absent-excused: Adams, Lombardino, Parker, Snelson.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1068 ON THIRD READING**

Senator Mauzy moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

**C.S.S.B. 1068**, Relating to the regulation of real estate appraisers; amending Subdivision (2), Section 2, The Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 19, Nays 6, Present-Not Voting 1.

Yeas: Aikin, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan.

Nays: Andujar, Braecklein, Harris, Mengden, Ogg, Williams.

Present-Not Voting: Brooks.

Absent: Longoria.

Absent-excused: Adams, Lombardino, Parker, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 6, Present-Not Voting 1.

Yeas: Aikin, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan.

Nays: Andujar, Braecklein, Harris, Mengden, Ogg, Williams.

Present-Not Voting: Brooks.

Absent: Longoria.

Absent-excused: Adams, Lombardino, Parker, Snelson.

**VOTE ON FINAL PASSAGE OF  
COMMITTEE SUBSTITUTE SENATE BILL 151 RECONSIDERED**

On motion of Senator Meier and by unanimous consent, the vote by which C.S.S.B. 151 was finally passed was reconsidered.

Question - Shall C.S.S.B. 151 be finally passed?

By unanimous consent, Senator Meier offered the following amendment to the bill:

Substitute the following for C.S.S.B. No. 151:

**A BILL TO BE ENTITLED**

**AN ACT**

relating to the definition of organized crime; creating offenses and providing penalties; amending the Penal Code by adding Title 11; adding Article 13.21 to the Code of Criminal Procedure, 1965, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Sec. 1. The Penal Code is amended by adding Title 11 to read as follows:

**"TITLE 11. ORGANIZED CRIME**

**"CHAPTER 71. ORGANIZED CRIME**

"Sec. 71.01. DEFINITIONS. In this chapter, 'combination' means five or more persons who collaborate in carrying on criminal activities, although:

"(1) participants may not know each other's identity;

"(2) membership in the combination may change from time to time; and

"(3) participants may stand in a wholesaler-retailer or other arm's-length relationship in illicit distribution operations.

"Sec. 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination, or in the profits of a combination, he commits, conspires to commit, or attempts to commit one or more of the following:

"(1) criminal homicide, aggravated assault, arson, robbery, burglary, theft, kidnapping, forgery, or credit card abuse;

"(2) any felony gambling offense;

"(3) compelling or promoting prostitution;

"(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

"(5) lending money at usurious interest rates or enforcing repayment of loans by illegal means;

"(6) any bribery or corrupt influence of public servants; or

"(7) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception.

"(b) An offense under this section is a felony of the first degree.

"Sec. 71.03. DEFENSES EXCLUDED. It is no defense to prosecution under Section 71.02 of this code that:



"(1) one or more members of the combination is not criminally responsible for the object offense;

"(2) one or more members of the combination have been acquitted, have not been prosecuted or convicted, have been convicted of a different offense, or are immune from prosecution;

"(3) a person has been charged with, acquitted, or convicted of any offense listed in Subsection (a) of Section 71.02 of this code; or

"(4) once the initial combination of five or more persons is formed, there is a change in the number or identity of persons in the combination, as long as two or more persons remain in the combination and are involved in a continuing course of conduct constituting an offense under this chapter.

"Sec. 71.04. TESTIMONIAL IMMUNITY. (a) A party to an offense under this chapter may be required to furnish evidence or testify about the offense.

"(b) No evidence or testimony required to be furnished under the provisions of this section nor any information directly or indirectly derived from such evidence or testimony may be used against the witness in any criminal case, except a prosecution for aggravated perjury or contempt.

Sec. 2. Chapter 13, Code of Criminal Procedure, 1965, as amended, is amended by adding Article 13.21 to read as follows:

"Article 13.21. ORGANIZED CRIMINAL ACTIVITY

"The offense of engaging in organized criminal activity may be prosecuted in any county in which any act is committed to effect an objective of the combination."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was again finally passed by the following vote: Yeas 24, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Brooks, Mauzy, Santiesteban.

Absent-excused: Adams, Lombardino, Parker, Snelson.

**SENATOR ANNOUNCED PRESENT**

Senator Snelson who had previously been recorded as "Absent-Excused" was announced "Present".

**COMMITTEE SUBSTITUTE SENATE BILL 632 ON SECQND READING**

Senator Hance asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 632**, Relating to elections prior to issuance of certain weather modification permits and providing discipline and a penalty for certain acts; amending Section 14.061(a), Water Code, as amended; and adding Sections 14.0641 and 14.0911.

There was objection.

Senator Hance then moved to suspend the regular order of business and take up **C.S.S.B. 632** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor, Mauzy, Meier.

Absent-excused: Adams, Lombardino, Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Mauzy and Jones of Taylor asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 632 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 632** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor, Mauzy, Meier.

Absent-excused: Adams, Lombardino, Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor, Mauzy, Meier.

Absent-excused: Adams, Lombardino, Parker.

### SENATE BILL 933 ON SECOND READING

Senator Clower moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 933**, Relating to the establishment of a state program to compensate certain victims of crime.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Andujar, Creighton, Harris, Mengden.

Absent: Longoria, Moore.

Absent-excused: Adams, Lombardino, Parker.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Andujar and Longoria asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 933 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 933** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Andujar, Creighton.

Absent: Harris, Moore.

Absent-excused: Adams, Lombardino, Parker.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Creighton, Andujar and Longoria asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Sherman in Chair)

#### **SENATE BILL 752 ON THIRD READING**

Senator Santiesteban moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

**S.B. 752**, Relating to the fee for a Private Club Late Hours Permit; amending Section 15(f), Article I, Texas Liquor Control Act, as added (Article 666-15f, Vernon's Texas Penal Auxiliary Laws).

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Traeger, Truan.

Nays: Aikin, Creighton, Jones of Taylor, Mauzy, Patman, Sherman, Snelson, Williams.

Absent: Moore.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy, Patman, Clower, Snelson, Sherman, Williams, Aikin and Hance asked to be recorded as voting "Nay" on the final passage of the bill.

#### **SENATE BILL 470 ON SECOND READING**

Senator Meier asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 470**, Amending the Code of Criminal Procedure, 1965, by adding a new Article 1018 authorizing the collection of a fee by county attorneys, district attorneys and criminal district attorneys for the collection and processing of certain checks or sight orders; providing for the amount thereof; providing for the keeping of certain records pertaining thereto; providing for the auditing and disposition of said fees and declaring an emergency.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **S.B. 470** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Williams.

Nays: Aikin, Clower, Doggett, Kothmann, Longoria, Mauzy, Traeger, Truan.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Mauzy, Truan and Clower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 83 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 83**, A bill to be entitled An Act relating to classes of persons not qualified to vote; amending Article 5.01, Texas Election Code, Vernon's Texas Civil Statutes.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Creighton, Harris, Jones of Taylor, Meier, Mengden, Patman.

Absent: McKnight.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTES**

Senators Andujar, Creighton, Hance, Jones of Taylor, Mengden, McKnight and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 83 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 83** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Creighton, Harris, Jones of Taylor, Mengden.

Absent: McKnight.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Patman, Creighton, Hance and McKnight asked to be recorded as voting "Nay" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE SENATE BILL 722 ON SECOND READING**

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 722**, Relating to the administration, operation, supervision and regulation of nonprofit corporations organized for the purpose of establishing, maintaining and operating a nonprofit hospital service plan; amending Articles 20.02, 20.06, 20.09, 20.10, 20.11, 20.12, 20.13, 20.15, and repealing Article 20.07, of the Insurance Code, and providing for an effective date.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 722 ON THIRD READING**

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 722** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: McKnight.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Hance.

Absent: McKnight.

Absent-excused: Adams, Lombardino, Parker.

#### **SENATE BILL 1205 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1205**, Relating to the transfer of a state-owned parking lot from the State Building Commission to the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 1205 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: McKnight.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 1018 ON SECOND READING**

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1018**, Relating to the creation, purposes, powers, duties, operation, expansion, and financing of water import authorities; amending the Water Code, as amended, by adding Chapter 64.

The motion prevailed by the following vote: Yeas 23, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Mauzy, Truan.

Absent: Moore.

Absent-excused: Adams, Lombardino, Parker.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Mauzy, Truan and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1018 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1018** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Mauzy, Truan.

Absent-excused: Adams, Lombardino, Parker.

The Presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.



**RECORD OF VOTES**

Senators Mauzy and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATOR ANNOUNCED PRESENT**

Senator Parker who had previously been recorded as "Absent-Excused" was announced "Present".

**COMMITTEE SUBSTITUTE SENATE BILL 882 ON SECOND READING**

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 882**, Amending Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes, as amended), relating to interest rates on public securities; fixing a maximum interest rate for public securities; providing for the calculation of net effective interest rate on public securities; and, enacting other provisions related to the subject.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **C.S.S.B. 882** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Meier, Mengden, Ogg, Parker, Santiesteban, Snelson, Traeger, Williams.

Nays: Clower, Longoria, Mauzy, Patman, Schwartz, Sherman, Truan.

Absent: McKnight, Moore.

Absent-excused: Adams, Lombardino.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Hance, Truan, Sherman, Patman, Longoria and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 882 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 882** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, Patman, Schwartz, Sherman.

Absent-excused: Adams, Lombardino.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy, Sherman, Hance, Patman, Longoria and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

#### **MOTION TO PLACE SENATE BILL 654 ON SECOND READING**

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 654**, Relating to authorizing and regulating group marketing of motor-vehicle insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.76; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 14.

Yeas: Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Aikin, Andujar, Creighton, Farabee, Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Sherman, Snelson, Traeger.

Absent-excused: Adams, Lombardino.

#### **SENATE BILL 774 ON SECOND READING**

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 774**, Relating to the eligibility of an organization to be treated as a fraternal organization with regard to the regulation of alcoholic beverage private clubs; amending Paragraph (1), Subdivision (a), Subsection 12, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Auxiliary Laws).

The bill was read second time and was passed to engrossment.

### RECORD OF VOTES

Senators Mauzy and Hance asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(President in Chair)

### SENATE BILL 774 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 774** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor, McKnight, Moore, Snelson.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators Mauzy, Snelson, Sherman and Hance asked to be recorded as voting "Nay" on the final passage of the bill.

### COMMITTEE SUBSTITUTE SENATE BILL 1227 ON SECOND READING

Senator Mengden moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1227**, Relating to county ordinances regulating or prohibiting nudist establishments; providing a penalty.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend **C.S.S.B. 1227** by substituting the following in lieu thereof:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the protection of the quality of human life, health, safety, and general welfare of county residents by the enactment of county ordinances; providing penalties; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**Section 1. LEGISLATIVE PURPOSE.** The purpose of this Act is to protect the quality of human life as well as the public health, safety, and general well-being of county residents by allowing the voters of each county to grant to the commissioners court either general or limited ordinance-making authority.

**Sec. 2. PROCEDURES FOR GRANTING ORDINANCE-MAKING AUTHORITY.** (a) The commissioners court of a county may, and on receipt of a valid petition shall, order an election at which the qualified voters of the county may vote for or against a proposition granting either general or limited ordinance-making authority to the commissioners court.

(b) Limited ordinance making authority may limit the commissioners court to adopting ordinances regulating or prohibiting nudist establishments or any other specific limited ordinance power, not otherwise prohibited herein, which is designed to protect the quality of human life as well as public health and safety. "Nudist establishment" means any place to which the public or a substantial group of the public has access, where the guests or patrons predominantly are persons over 16 years of age who display their genitals, buttocks, or pubic region while on the premises, or where the female guests or patrons predominantly are persons over 16 years of age who display their breasts below the top of the areola while on the premises.

(c) The votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept but collectively counted, and the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town likewise shall be separately kept and separately counted.

(d) If there be a favoring majority of the votes cast within the total county and a favoring majority of the votes cast without such collective cities and towns, the commissioners court may enact any ordinance not inconsistent with the constitution or laws of the state and not outside the scope of the authority as described in the proposition.

**Sec. 3. APPLICABILITY OF COUNTY ORDINANCES.** (a) Ordinances adopted under this Act apply countywide with the following exceptions:

(1) if an incorporated city or town adopts an ordinance declaring the area within the corporate limits of the city or town exempt from a specific county ordinance, the county ordinance does not apply within the corporate limits; and

(2) if an incorporated city or town acting in accordance with state law adopts an ordinance regulating a specific activity or specific subject within its corporate limits or within its area of extraterritorial jurisdiction, a county ordinance adopted under this Act relating to the same specific activity or specific subject does not apply in the geographic area in which the ordinance of the city or town is effective.

(b) An ordinance adopted under this Act is invalid to the extent that it prevents development of a subdivision in accordance with a plat or plan that, before the ordinance was adopted, was approved and recorded in accordance with law.

(c) An ordinance adopted under this Act is invalid to the extent that it regulates:

(1) the rates or services of any public utility;

(2) the location, construction, maintenance, or use of buildings, equipment, plants, lines, or other facilities utilized in the furnishing of gas or electric service by any public utility;

(3) the location, construction, maintenance, or use of the buildings utilized in the furnishing of telephone service to the public, or the location, construction, maintenance, or use of any equipment in connection with such buildings as a part of such telephone system, necessary in the furnishing of telephone service to the public by a public utility;

(4) the location, maintenance, construction, or use of facilities utilized in the drilling, refining, or excavation for or producing or transporting of oil, gas, sulfur, iron ore, coal, lignite, or other minerals by corporations, firms, or individuals;

(5) the location, maintenance, construction, or use of plants or other facilities for the manufacture or processing of steel or other ferrous metals;

(6) the use, possession, or maintenance of guns or other weapons, or any control thereof; and

(7) the hunting, catching, or taking of game or fish.

(d) An ordinance adopted under this Act is invalid to the extent that it provides for:

(1) zoning;

(2) any orders, regulations, or restrictions that apply to land in agricultural use or to activities, structures, equipment, or facilities within the confines of land which is directly or indirectly used in agricultural pursuits or the production of agricultural commodities including residential structures used to house owners of, or persons temporarily or permanently employed upon, land in agricultural use, or to motor vehicles used primarily or incidentally in agricultural pursuits. Land in agricultural use shall not include land used generally or temporarily for nonagricultural commercial activities. For the purposes of this Act the term "agricultural use" includes livestock feeding operations. Provided, however, that the owner of land in agricultural use may waive the exemption applying to his land by filing a written waiver, either generally or for limited ordinances, upon forms and in a manner provided by the commissioners court, and such owner or a subsequent owner may retract a previous waiver in a manner provided by the commissioners court; and

(3) any order, regulation, or restriction on land used for the growing of trees for the purpose of rendering those trees into lumber, fiber, or other items for industrial, commercial, or personal consumption. Provided, however, that the owner of land used for the growing of trees may waive the exemption applying to his land by filing a written waiver, either generally or for limited ordinances, upon forms and in a manner provided by the commissioners court, and such owner or a subsequent owner may retract a previous waiver in a manner provided by the commissioners court.

Sec. 4. FISCAL NOTES. (a) The commissioners court of each county in which the voters shall vote on limited ordinance powers under this Act shall establish a system of providing fiscal notes for those ordinances that, if given effect, will:

(1) require the expenditure or diversion of county funds, including funds received by the county as gifts or grants from another governmental entity; or

(2) require a new tax, fee, charge, or penalty or change an existing one by increasing, decreasing, or abolishing it.

(b) The commissioners court may not adopt an ordinance unless a fiscal note is attached to the measure before the ordinance is adopted and a copy of the note is included in the public notice as required by Subsection (b) of Section 6 of this Act.

(c) The county treasurer shall prepare fiscal notes required by this section.

(d) A fiscal note must state:

(1) the amount by which county expenditures, revenues, or fund diversions are projected to increase or decrease as a result of the measure during each of the first five years after the measure takes effect;

(2) whether or not further fiscal effect is projected as a result of the measure after five years and, if so, the nature of the effect; and

(3) the nature and source of the information used to make the projections.

(e) A certificate by the county treasurer stating that it is not feasible to determine the fiscal effect of a measure, and stating the reasons why, may be substituted for a fiscal note. Attaching the certificate to the measure has the same legal effect as attaching a fiscal note.

(f) If a proposed ordinance for which a fiscal note has been prepared is amended before final approval in a manner that changes the fiscal effect of the measure, the measure may not be finally approved until a new fiscal note or certificate meeting the requirements of this section is prepared and attached to the measure.

(g) An ordinance adopted in violation of this section is void.

Sec. 5. PROCEDURES FOR ADOPTING ORDINANCES. (a) A commissioners court may not adopt an ordinance under this Act except an emergency ordinance unless the procedures prescribed by this section are followed.

(b) Before adopting an ordinance, the commissioners court shall publish notice in a newspaper of general circulation in the county. Notice must be published for four consecutive weeks immediately preceding the week in which the meeting is to be held and at which the proposed ordinance is to be considered. The notice must include a general description of the proposed ordinance, a copy of the fiscal note for the proposed ordinance, a statement that a public hearing will be held before the ordinance is adopted, a statement of the time and place of the hearing, and a statement that any interested person may appear and testify at the hearing.

(c) The commissioners court must hold a public hearing before taking up an ordinance for consideration.

(d) An ordinance must be approved by a majority vote of the membership of the commissioners court.

(e) A certified copy of an ordinance must be filed with the county clerk within 10 days after enactment and is effective on the day after the day it is filed unless the ordinance prescribes a later effective date.

Sec. 6. EMERGENCY ORDINANCES. (a) A commissioners court may waive the notice required by Section 5 of this Act by a resolution approved by a four-fifths vote of the membership of the commissioners court declaring that an emergency exists and that the immediate enactment of an ordinance is necessary.

(b) Immediately following a vote in favor of waiving the notice requirement of this Act, the county judge shall post notice on a bulletin board in the county courthouse of a public meeting of the commissioners court to consider an emergency ordinance and shall notify by telephone or telegraph any news media previously requesting notice of such meetings and consenting to pay any expenses incurred by the county in providing the notice. The notice must include a general description of the proposed emergency ordinance, a statement that a public hearing will be held

before the emergency ordinance is adopted, a statement of the time and place of the hearing, and a statement that any interested person may appear and testify at the hearing. Notice must be posted two hours before the meeting is convened to consider the emergency ordinance described in the notice.

(c) An emergency ordinance must be approved by a majority vote of the membership of the commissioners court.

(d) A certified copy of an emergency ordinance must be filed with the county clerk immediately after enactment. The ordinance is effective on filing.

(e) An emergency ordinance expires at the end of the 60th day following the enactment of the ordinance unless the ordinance provides for an earlier expiration date.

Sec. 7. FORM OF ORDINANCES. (a) An ordinance adopted under this Act may cover only one subject.

(b) No ordinance adopted under this Act may be revised or amended by reference to its title only. An ordinance that amends or revises another ordinance must set out in full the revised or amended section, subsection, or paragraph of a subsection. However, an ordinance may be repealed by reference to its number or the designation given it in the current code.

(c) The enacting clause of an ordinance adopted under this Act must read: "Be it enacted by the Commissioners Court of \_\_\_\_\_ County."

Sec. 8. MAINTENANCE AND PUBLICATION; CITATION. (a) The county clerk of a county adopting ordinances under this Act shall assign a number to each ordinance that is filed and shall maintain a code of county ordinances. The commissioners court shall provide for the periodic publication of the code and may establish reasonable fees for the provision of copies, but these fees may not exceed the actual cost of providing the copies.

(b) An ordinance may be cited by reference to its number or the designation given it in the current code.

Sec. 9. PENALTIES. If an ordinance adopted under this Act defines an offense, the offense is a Class C misdemeanor.

Sec. 10. PETITIONS. (a) Twenty-five qualified voters of a county may initiate a petition for an election under this Act by filing a written statement with the county clerk stating that they will constitute a 25-member petitioners committee to be responsible for circulating and filing a petition. The written statement must state the name and address of each committee member, the address to which all notices to the committee are to be sent, and the purpose for which an election is sought. Within five days after filing the written statement, the county clerk shall notify the committee of the number of signatures that will be necessary to validate a petition.

(b) A petition for election under this Act is valid if it is signed by at least 10 percent of the total number of qualified voters in the county or 40,000 qualified voters of the county, whichever number is smaller.

(c) A petition initiated under this Act must be filed with the county clerk within 30 days after the petitioners committee has filed its written statement of intent.

(d) A petition for granting limited ordinance-making authority must contain the following proposition: "The Commissioners Court of \_\_\_\_\_ County should be granted ordinance-making authority pertaining to the subject(s) of \_\_\_\_\_. A petition for the repeal of a specific county ordinance must contain the following proposition: 'The ordinance enacted by the Commissioners Court of \_\_\_\_\_ County cited as \_\_\_\_\_ and pertaining to \_\_\_\_\_ should be repealed.' A petition for amending a specific county ordinance must contain the following proposition including the text of the ordinance as revised by the proposed amendment: 'The ordinance enacted by the Commissioners Court of \_\_\_\_\_ County cited as \_\_\_\_\_ should be amended to read as follows: \_\_\_\_\_.' A petition for

withdrawing all ordinance-making authority previously granted must contain the following proposition: 'The authority of the Commissioners Court of \_\_\_\_\_ County to enact ordinances should be withdrawn.' A petition for withdrawing authority to enact ordinances on a particular subject or subjects must contain the following proposition: 'The authority of the Commissioners Court of \_\_\_\_\_ County to enact ordinances pertaining to the subject(s) of \_\_\_\_\_ should be withdrawn.'

(e) Within 30 days after a petition is filed with the county clerk, the county clerk shall determine whether the petition has been signed by the requisite number of qualified voters. If a petition has the requisite number of signatures of qualified voters, the county clerk shall promptly notify the commissioners court and the petitioners committee of its validity. If a petition has an insufficient number of signatures, the county clerk shall promptly notify the petitioners committee by certified mail, return receipt requested, that the petition is insufficient. An insufficient petition may be supplemented with additional signatures if the petitioners committee files a notice of intent to supplement the original petition with the county clerk within two days after receiving the insufficiency notice. A supplementary petition must be filed within 10 days after receiving the insufficiency notice. Within 10 days after a supplementary petition is filed with the county clerk, the county clerk shall determine whether the original petition and supplementary petition jointly contain the requisite number of signatures and shall promptly notify the committee by registered mail whether the original and supplementary petitions are sufficient. If the petitions jointly contain the requisite number of signatures of qualified voters, the county clerk shall promptly notify the commissioners court of their validity.

(f) A petitioners committee may, within two days after receiving notice from the county clerk of the insufficiency of petition, request in writing that the petition be reviewed by the commissioners court. The commissioners court shall review the petition at its next meeting following the request and approve or disapprove the petition.

(g) A commissioners court shall order the election sought by a valid petition at its next meeting following notice from the county clerk as to the validity of the petition or following approval of a previously insufficient petition by the commissioners court.

(h) A petition may be withdrawn at any time prior to the 21st day preceding the day scheduled for the election by the commissioners court by filing a withdrawal request with the county clerk signed by at least four-fifths of the membership of the petitioners committee. Upon the filing of a withdrawal request, the petition becomes invalid, and all proceedings under it are to be terminated.

Sec. 11. ELECTIONS. (a) More than one proposition may be submitted under this Act at a single election.

(b) An election under this Act must be held on the next date provided by law, except that if the next election date is less than 30 days from the day on which the commissioners court orders the election, the commissioners court shall set the election for the next succeeding election date provided by law. If state law does not specify county election dates, the commissioners court shall set the election for a day not less than 30 and not more than 60 days after the day on which the commissioners court orders the election.

(c) For granting limited ordinance-making authority, the proposition on the ballot must be stated for or against: "Granting the Commissioners Court of \_\_\_\_\_ County ordinance-making authority pertaining to the subject(s) of \_\_\_\_\_." For repealing a specific ordinance, the proposition on the ballot must be stated for or against: "Repealing the ordinance enacted by the Commissioners Court of \_\_\_\_\_ County pertaining to \_\_\_\_\_." For amending a specific ordinance, the proposition on



the ballot must be stated for or against: "Amending the ordinance enacted by the Commissioners Court of \_\_\_\_\_ County pertaining to \_\_\_\_\_ to provide the following: \_\_\_\_\_." For withdrawing all ordinance-making authority previously granted, the proposition on the ballot must be stated for or against: "Withdrawing ordinance-making authority from the Commissioners Court of \_\_\_\_\_ County." For withdrawing ordinance-making authority for a particular subject or subjects, the proposition on the ballot must be stated for or against: "Withdrawing the authority of the Commissioners Court of \_\_\_\_\_ County to enact ordinances pertaining to the subject(s) of \_\_\_\_\_."

(d) After an election is held under this Act, a two-year period of time must elapse prior to the calling of another election on the same proposition.

Sec. 12. REPEALING OR AMENDING AN ORDINANCE. (a) A commissioners court may by ordinance repeal or amend an existing ordinance. Upon receipt of a valid petition, a commissioners court shall order an election at which the qualified voters of the county may vote for or against the repeal or amendment of the specific ordinance described in the petition.

(b) If a majority of the qualified voters voting on the question vote for a proposition repealing or amending a specific ordinance, the ordinance is repealed or amended at the time the commissioners court officially canvasses and certifies the results of the election.

Sec. 13. PROCEDURES FOR WITHDRAWING ORDINANCE-MAKING AUTHORITY. (a) A commissioners court may, and on receipt of a valid petition shall, order an election at which the qualified voters of the county may vote for or against a proposition withdrawing the ordinance-making authority or any part thereof granted by the voters under this Act.

(b) If a majority of the qualified voters voting on the question vote for a proposition withdrawing ordinance-making authority, the commissioners court may not enact ordinances within the scope of the withdrawn authority.

(c) Any ordinance within the scope of the withdrawn authority is repealed at the time the commissioners court officially canvasses and certifies the results of an election called to withdraw the authority unless the ordinance could be enacted within the scope of other ordinance-making authority not withdrawn.

Sec. 14. EXISTING COUNTY ORDINANCE-MAKING AUTHORITY.

This Act does not affect the ability of a commissioners court to adopt orders or enact ordinances under other laws, and the authority granted by other laws may be withdrawn only in the same manner as the authority was granted.

Sec. 15. EFFECT OF MUNICIPAL ANNEXATION. (a) If an ordinance adopted under this Act classifies land as to permissible use and the land is subsequently annexed by an incorporated city or town exercising zoning powers, the annexed land must initially be given the municipal zoning classification that is most nearly the same as, but not more restrictive as to permissible use than, the classification it was given by the county.

(b) A building for which a building permit has been issued under a county ordinance may be completed under the applicable county building standards if the permit is issued prior to the time the land on which it is situated is annexed by an incorporated city or town.

Sec. 16. EMERGENCY. The importance of this legislation to the quality of life, health, safety, and general welfare of county residents and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Moore raised the Point of Order that the amendment was not germane to the bill.

The President sustained the Point of Order.

The bill was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 1227 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1227** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

#### BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H.C.R. 164	H.B. 1124	H.B. 1646
H.B. 34	H.B. 1201	H.B. 1712
H.B. 105	H.B. 1222	H.B. 1733
H.B. 168	H.B. 1292	H.B. 1788
H.B. 557	H.B. 1421	H.B. 1936
H.B. 633	H.B. 1445	H.B. 1963
H.B. 782	H.B. 1466	H.B. 2148
H.B. 893	H.B. 1482	H.B. 2180
H.B. 927	H.B. 1574	H.B. 2191

H.B. 928

H.B. 1604

H.B. 991

**SENATE BILL 1234 ON SECOND READING**

Senator Hance moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 1234**, Relating to duties of a managing conservator; amending Section 14.02(b), Family Code.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Moore, Patman, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin, Clower, Harris, Longoria, Ogg, Parker, Santiesteban, Schwartz.

Absent: Jones of Taylor.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Ogg, Aikin, Longoria, Harris and Santiesteban asked to be recorded as voting "Nay" on the passage to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1233 ON SECOND READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1233**, Relating to the creation of residential, commercial or industrial subdivisions of land lying within a duly incorporated city or town of this state or within ten miles of the boundary thereof; providing for the filing of a subdivision plat; the designation of operating sites for use by Possessory Mineral Interest owners; the dedication of roadways and pipeline easements to such sites, the restriction of surface operations for oil, gas and other minerals to such operating sites; permitting subsurface use of any such subdivision for the exploration for and production of oil, gas and other minerals.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Traeger, Williams.

Nays: Braecklein, Clower, Mauzy, Mengden, Patman, Schwartz, Sherman, Snelson, Truan.

Absent: Jones of Taylor.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 8.

Yeas: Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Traeger, Williams.

Nays: Braecklein, Clower, Mauzy, Mengden, Patman, Sherman, Snelson, Truan.

Absent-excused: Adams, Lombardino.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1233 ON THIRD READING**

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1233 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Braecklein, Mauzy, Mengden, Patman, Truan.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 10.

Yeas: Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Traeger, Williams.

Nays: Braecklein, Clower, Hance, Mauzy, Mengden, Patman, Schwartz, Sherman, Snelson, Truan.

Absent-excused: Adams, Lombardino.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
May 13, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Motion to suspend all necessary rules and reconsider the vote by which the House concurred in Senate amendments to House Bill No. 1743 prevailed by non record vote.

The House refused to concur in Senate amendments to House Bill No. 1743 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Rains, Chairman  
Caraway  
Jackson  
Brown  
Bock

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILL 1266 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1266**, Relating to regulation of monopolies, contracts, combinations, or conspiracies in restraint of trade or commerce; providing penalties; amending Sections 15.01, 15.02, 15.04, and 15.33, Business and Commerce Code, as amended, and adding Sections 15.07, 15.35, and 15.36.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 1266** by substituting the word "may" for the word "shall" on p. 4 at line 9.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 16, Nays 12.

Yeas: Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Parker, Patman, Santiesteban, Schwartz, Truan, Williams.

Nays: Aikin, Andujar, Creighton, Hance, Harris, Jones of Taylor, McKnight, Mengden, Moore, Ogg, Snelson, Traeger.

Absent: Sherman.

Absent-excused: Adams, Lombardino.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 1012 ON SECOND READING**

Senator Jones of Taylor moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 1012**, Relating to the establishment of a statute of limitations on actions for recovery of damages based upon implied warranties, arising out of an alleged design, inspection, testing or manufacturing defect, or any other alleged failure to warn regarding a product, or arising out of any alleged failure to properly instruct in the use of a product; amending Title 91, Limitations of Personal Actions, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 5527a.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 11, Present-Not Voting 1.

Yeas: Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Jones of Taylor, McKnight, Meier, Mengden, Moore, Ogg, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Patman, Santiesteban, Schwartz, Truan.

Present-Not Voting: Brooks.

Absent: Sherman.

Absent-excused: Adams, Lombardino.

**SENATE BILL 1292 ON SECOND READING**

Senator Patman asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1292**, Relating to the validation of county time warrants.

There was objection.

Senator Patman then moved to suspend the regular order of business and take up **S.B. 1292** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Clower, Mauzy, McKnight.

Absent: Sherman.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Patman offered the following committee amendment to the bill:

Amend S.B. No. 1292 by inserting the following after "proceeding" on page 1, line 7: "if the time warrants were issued after August 1, 1976".

The committee amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend S.B. No. 1292 on Line 16 by inserting the following after "county": "with a population of less than 1,000,000, according to the most recent federal census,".

The amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 1292 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Mauzy, McKnight.

Absent: Sherman.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### **RECORD OF VOTES**

Senators McKnight, Hance, Braecklein and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

### **MOTION TO PLACE SENATE BILL 405 ON THIRD READING**

Senator Parker moved to suspend the regular order of business to take up for consideration on its third reading and final passage:

**S.B. 405.** Relating to the compensation of certain peace officers for court appearances.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 12.

Yeas: Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Snelson, Williams.

Nays: Aikin, Andujar, Creighton, Farabee, Hance, Jones of Taylor, Longoria, Moore, Patman, Schwartz, Traeger, Truan.

Absent: Harris, Sherman.

Absent-excused: Adams, Lombardino.

### **SENATE BILL 782 ON SECOND READING**

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 782.** Relating to the establishment of a sex offender treatment pilot program administered by the Department of Mental Health and Mental Retardation; citing the powers and duties of the commissioner of the Department of Mental Health and Mental Retardation; citing qualifications for eligibility; allowing for confidentiality of records and patients' rights; requiring periodic examination; allowing for discharge proceedings; and declaring an emergency.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Snelson, Truan, Williams.

Nays: Aikin, Schwartz, Traeger.



Absent: Creighton, Harris, Sherman.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend Section 8 of **S.B. 782** to read as follows:

"Sec. 8. Personal History. A complete medical, social, occupational, family and criminal history shall be obtained as part of the treatment of each person being treated under this Act. Pertinent records from other agencies, institutions, and medical facilities shall also be obtained when necessary to develop a complete and permanent history for treatment and research purposes."

The committee amendment was read and was adopted.

Senator Brooks offered the following committee amendment to the bill:

Amend Subsection (b), Subdivision (1), of Section 13 of **S.B. 782** to read as follows:

"(1) If the court determines the patient has recovered from the disorder to such a degree that he is no longer dangerous to others, it shall order him released for the remainder of his term subject to conditions under the Adult Probation and Parole Law of Texas."

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### RECORD OF VOTES

Senators Longoria and Traeger asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 782 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 782** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Bracklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Truan, Williams.

Nays: Aikin, Traeger.

Absent: Creighton, Harris, Sherman.

Absent-excused: Adams, Lombardino.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### **RECORD OF VOTES**

Senators Longoria and Schwartz asked to be recorded as voting "Nay" on the final passage of the bill.

### **CONFERENCE COMMITTEE ON HOUSE BILL 1743**

By unanimous consent, Senator Ogg called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1743** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1743** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ogg, Mauzy, Doggett, Hance and McKnight.

### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 659** - by Farabee: Extending congratulations to Karrie King.

**S.R. 660** - by Clower: Extending welcome to Reverend James A. Glasscock.

**S.R. 661** - by Doggett: Extending welcome to Bedichek Junior High School 7th Grade Government Class.

**S.R. 662** - by Clower: Extending congratulations to Lee Ann Glasscock.

**S.R. 663** - by Clower: Extending welcome to Reverend and Mrs. James Glasscock.

**S.R. 664** - by Clower: Extending welcome to Blooming Grove High School Senior Class.

**S.R. 665** - by Clower: Extending congratulations to John Glasscock.

**S.R. 666** - by Clower: Extending welcome to Kal Silverberg.

**S.R. 667** - by Brooks: Extending welcome to Ms. Merri McCarthy.

### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:55 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, May 16, 1977.

### **APPENDIX**

#### **Sent to Governor**

(May 13, 1977)

**S.J.R. 13**

**S.B. 154**

**S.B. 155**

**S.B. 156**

**S.B. 159**

#### **Sent to Comptroller**

(May 13, 1977)

**S.B. 219**

**S.B. 336**

### **SIXTY-EIGHTH DAY**

(Monday, May 16, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Bob Sheffield, Congress Avenue Baptist Church, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 13, 1977, was dispensed with and the Journal was approved.